

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONSOLIDATED EDISON COMPANY OF)
NEW YORK, INC.,) Case No. 14 Civ. 6547 (CM) (JLC)
Plaintiff,)
v.)
LEXINGTON INSURANCE COMPANY,)
Defendant.)
SUPPLEMENTAL DECLARATION
OF TIMOTHY D. KEVANE IN
SUPPORT OF DEFENDANT'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT

I, Timothy D. Kevane, hereby declare as follows:

1. I am an attorney admitted to practice before the Courts of the State of New York and the

Southern District of New York. I am an attorney at Sedgwick LLP, counsel for defendant Lexington Insurance Company (“Lexington”).

2. I am familiar with the facts, circumstances and proceedings in this case, including documents produced pursuant to discovery therein, and submit this declaration in support of Lexington’s Motion for Partial Summary Judgment against plaintiff Consolidated Edison Company of New York, Inc. (“Con Edison”). The numbers for the exhibits attached hereto will follow from the last numbered exhibit referenced in my declaration filed on May 8, 2015.

3. Attached hereto as Exhibit 23 is a true and correct copy of a letter dated August 14, 2007 from Con Edison’s defense counsel to Con Edison (without enclosure), which was produced by Con Edison in this case.

4. Attached hereto as Exhibit 24 is a true and correct copy of Plaintiff’s Amended Response to Defendant’s Interrogatories (Set One), including its amended response to interrogatory no. 1 identifying the policies affording coverage to Con Edison for the underlying lawsuits.

5. Attached hereto as Exhibit 25 is a true and correct copy of the declaration pages from Con Edison's insurance policies, which were produced by Con Edison in discovery in this case.

6. Attached hereto as Exhibit 26 is a true and correct copy of notices of the steam pipe explosion on behalf of Con Edison to its insurers dated July 19, 2007, which were produced in discovery in this case.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on the 4th day of June, 2015 in New York, New York.

Tim Kevane

Timothy D. Kevane